

REMARKS

Claims 16 to 30 are pending in the application. The drawings were objected to for failing to comply with 37 CFR 1.84(p)(5) for including reference legends not mentioned in the specification. The disclosure was objected to because of informalities. Claims 29 and 30 were rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 16 to 30 were rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

The specification, paragraphs [0058], [0061], [0063], [0065], [0070] and [0090], has been amended according to the Examiner's indications. No new matter has been added.

New claims 31 to 37 have been added. Support is found at paragraphs [0043], [0052], [0055], [0056] and [0138], for example.

Reconsideration of the application based on the following is respectfully requested.

Objections to the Drawings under 37 CFR 1.84(p)(5):

The drawings were objected to for failing to comply with 37 CFR 1.84(p)(5) for including reference legends not mentioned in the specification.

Applicants have amended the specification as to the Examiner's indications. The specification now includes the reference legend of figures 1 and 2.

Withdrawal of the objections under 37 CFR 1.84(p)(5) to figures 1 and 2 is respectfully requested.

Objection to the Disclosure because of Informalities:

The disclosure was objected to because of informalities.

Applicants have amended the specification to correct the errors and/or inconsistencies between the drawings and the written description according to the Examiner's indications. Paragraph [0065] has been amended to remove the embedded hyperlink.

Withdrawal of the objections to is respectfully requested.

Rejections under 35 USC 112, second paragraph:

Claims 29 and 30 were rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 29 and 30 have been amended and are now submitted as clear and definite. Support is found in the original claims, for example. It is respectfully submitted that as amended claims 29 and 30 now each clearly comply with proper claim language for an apparatus claiming executable steps. (See MPEP 2173.05(f)); *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995)).

Withdrawal of the rejections under 35 USC 112, second paragraph to claims 29 and 30 is respectfully requested.

Rejections under 35 USC 101:

Claims 16 to 30 were rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16 to 22 have been canceled. With respect to the method claims, it is respectfully submitted that claim 23 recites a requirement that the results of the claim are used to achieve the concrete and tangible useful result of "using a reciprocal value of the sum of the reciprocal values as a mean time period predicted between two failures of the technical system." A mean time period predicted between two failures of the technical system is not merely a mathematical operation without a practical application, but is a tangible useful result that relates to characteristics of a particular technical system.


Withdrawal of the rejections under 35 USC 101 to method claims 23 to 30 is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris; Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
Patents, Trademarks and Copyrights
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940